

APPROVED: Meeting No. 43-89

ATTEST: *Sharon A. Gran*

MAYOR AND COUNCIL
ROCKVILLE, MARYLAND
Meeting No. 41-89

September 25, 1989

The Mayor and Council of Rockville, Maryland, convened in General Session in the Council Chamber, Rockville City Hall, Maryland Avenue at Vinson Street, Rockville, Maryland, on September 25, 1989, at 7:35 p.m.

PRESENT

Mayor Douglas M. Duncan

Councilmember Steve Abrams

Councilmember James Coyle

Councilmember Viola Hovsepian

ABSENT

Councilmember David Robbins (sick leave)

In attendance: Assistant City Manager Rick Kuckkahn, City Clerk Sharon Gran and City Attorney Paul Glasgow.

Re: City Manager's Report

1. In light of the impending hurricane, there was a change in the schedule for the Rockville Open Golf Tournament and Banquet. The first round of the golf tournament was played on September 23, and the second round was scheduled for October 7, with the banquet that evening at the Senior Center.

2. On Thursday, September 28, at 9:00 a.m., the I-270 corridor group will be meeting at the Mansion, and the Mayor and Council are invited to attend.

3. Also on September 28, at 5:30 p.m. there will be a Small Business Visit to the American Moving Company.

4. The United Way kickoff is scheduled for Tuesday, October 10. Stacy Wood from the Planning Department is this year's campaign manager, and letters regarding the

campaign will go out with the City's payroll checks this week.

5. The City was prepared and in a good position to react if Hurricane Hugo had hit this area. The City had coordinated with the County's Emergency Management Group, all of the City's stormwater management facilities had been checked and Public Works staff was on call.

6. With respect to Item No. 11 on the agenda, Mr. Green of Montgomery Cable has requested that the Mayor and Council delay action on this item to the next meeting so that they may have an opportunity to review and comment on this proposed recommendation.

Re: Recognition of Polly Foley,
Joseph Foley, Ben Klauder and
Sherry Price, Participants in
the Teen Visual Arts Program.

Under the direction of the City's artist in residence, Patricia Dubroof, these four teenagers painted the mural in the Town Center dell located at North Washington Street and Middle Lane. Polly Foley and Joseph Foley were presented with Certificates of Recognition for their participation in the Teen Visual Arts Program; Ben Klauder and Sherry Price were unable to be present.

Re: Proclamation recognizing
September 15 through October
15, 1989 as "Hispanic Heritage
Month" in Rockville.

Proclamation No. 21-89

By a unanimous vote of the Mayor and Council, September 15 through October 15, 1989, was declared "Hispanic Heritage Month" in Rockville. Councilmember Abrams read the Proclamation, the full text of which can be found in Proclamation File No. 4 of the Mayor and Council. Silvio Imas, President of Hispanics United for Rockville, received the Proclamation.

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Re: Proclamation declaring October
6, 1989 as "German-American
Day."

Proclamation No. 22-89

By a unanimous vote of the Mayor and Council, October 6, 1989, was declared "German-American Day" in Rockville. Councilmember Coyle read the Proclamation, the full text of which can be found in Proclamation File No. 4 of the Mayor and Council. Leah Barnett, on behalf of Rockville Sister City, Inc. and exchange students from Pinneberg, West Germany received the Proclamation.

Re: Citizens' Forum

At this time, the Mayor opened the meeting to hear from any citizen who wished to address the Mayor and Council.

1. Barbara Hill Talley of the United Black Cultural Center expressed concern with the status of the Lincoln Center and its current occupancy. She indicated that both Peerless Rockville and the Historic District Commission have been approached regarding the possibility of an historic designation for this site and a potential use of some of the space for a Black History Museum.

Mayor Duncan noted that several groups have identified potential uses for the site and that these expressions of interest have been forwarded to the County in the event the site should be declared surplus by the Board of Education. Mayor Duncan noted that Ms. Talley's suggestion would also be forwarded to the County.

Councilmember Abrams requested information from staff regarding the structure of the Lincoln Center and possible reuses of the structure consistent with the proposals which have been made thus far.

2. Leah Barnett, 19 Orchard Way North, addressed Item #9 on the Agenda, Ordinance to levy special assessments for the North Washington Street Improvement Project. Inasmuch as residences on W. Montgomery Avenue were not specially assessed for

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the West Montgomery Project, Mrs. Barnett feels that businesses and residences should be treated equally and that six developers should not be expected to bear the burden of the North Washington Street improvement costs.

There being no other citizen wishing to be heard, the Mayor closed the Citizens' Forum portion of the meeting.

Re: Approval of Minutes

Upon motion of Councilmember Abrams, duly seconded and unanimously passed, the minutes of Meeting No. 39-89 (September 11, 1989) were approved, as written.

Upon motion of Councilmember Hovsepian, duly seconded and unanimously passed, the minutes of Meeting No. 40-89 (September 18, 1989) were approved, as written.

Re: Consent Agenda

Upon motion of Councilmember Hovsepian, duly seconded and unanimously passed, the following Consent Agenda Items were approved:

- A. Approval of waiver for on-site Storm Water Management for the property at 1009 First Street in the Rock Creek drainage area, and acceptance of a \$3,200 contribution for the off-site SWM Fund.

The developer, Welty Construction Company, plans the construction of a single family house.

- B. Approval of waiver for on-site Storm Water Management for the property at 660 Lofstrand Lane in the Rock Creek drainage area, and acceptance of a \$27,920 contribution for the off-site SWM fund.

The developer, Antonio Santos, plans the construction of an Auto Repair Shop.

- C. Award of Bid No. 20-90 to Long Fence Company, Inc. to furnish and install 615 linear feet of 8' high, solid, guardian-style, ornamental iron

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fencing at Clarence Pint Israel Park, in the amount of \$26,875.50.

This project will replace existing perimeter fencing on the east side of Israel Park.

- D. Award of Bid No. 48-90 for new boiler at Rockville Civic Center Mansion to HVAC Precision Services, Inc., Rockville, Maryland for the low base bid amount of \$26,230.00 plus 3 options totalling \$3,759.00 for a total of \$29,989.00.

This project provides for the needed replacement of the 20 year old boiler at the Mansion.

- E. Award of Bid No. 42-90 to Pioneer Contracting Company for Construction of the North Street Linear Park Project.

This project will replace the existing pathway connecting North Street and N. Washington Street and was funded in the FY88 CIP at \$50,000.

- F. Award of Bid No. 44-90 to Hub-Stinnette Uniforms, Inc. of Norfolk, Virginia, in the amount of \$12,515.34 for the base Year I, with option Year II in the amount of \$13,141.20 at the discretion of the Police Chief for a total two year award of \$25,656.54 for the provision of Police Department uniforms.

Hub Stinnette Uniforms, Inc. has provided the City with Police uniforms for the past year with satisfactory quality and service. The FY1990 budget includes \$15,188.00 for authorized uniform purchase.

- G. Approval of Employee Health Insurance Provider Options.

Approval of this item will result in continuation of an offering of

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a variety of health care plans for City employees.

- H. Approval of Bid No. 47-88, Space Study of City Hall and Public Works Complex, Phase II.

This is the final stage of a study which will examine long-term alternatives for providing needed office space and appropriate convenient public space, Wheeler, Goodman, Masek & Associates, Architects.

- I. Approval of not to exceed bid for alterations at City Hall/Public Works Complex.

This is a sole source contract with Wheeler, Goodman, Masek & Associates to develop short term solutions to immediate HVAC, space and security problems at City Hall and the Public Works/Parks Rec. complex.

- J. Introduction of an ordinance amendment to allow extension of time for connection to sanitary sewer system.

In conjunction with a proposed annexation of a single-family dwelling a request has been made to extend the time available for connection to the City's sanitary sewer system.

- K. Receive monthly City financial reports for July and August, 1989.

- L. Enter into a contractual agreement with the firm of Evensen Dodge, Inc. to provide financial advisory services to the City from September 1, 1989, through August 31, 1992.

Re: Adoption of Ordinance to levy special assessments for the North Washington Street Improvement Project.

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Ordinance No. 22-89

This assessment covers the completion of the widening of Washington Street from Jefferson Street to Beall Avenue and a portion of Middle Lane. The City Attorney noted that a small technical amendment was needed to change the initial payment date from September 30, 1989 to October 31, 1989. Upon motion of Councilmember Abrams, duly seconded and unanimously passed, the ordinance was amended to change the initial payment date from September 30, 1989, to October 31, 1989.

Councilmember Abrams referred to Mrs. Barnett's comments during Citizens' Forum and stated that he had also voted against treating W. Montgomery as a taxpayer expense and favored special assessments for that project. He indicated that no new appraisals were received during the time the public hearing record was left open and that the percentage of public versus private benefit was taken into consideration.

Mayor Duncan noted that the total cost of the project was over \$2 million and the assessment of \$500,000 covered road acquisition and widening of the lanes and there is a major difference between this project and West Montgomery.

The City Attorney advised the Mayor and Council that two appraisals had been done of the properties before and after the improvements and that the assessments reflect the average incremental increased value of the properties resulting from the improvements.

Upon motion of Councilmember Hovsepian, duly seconded and unanimously passed, amended Ordinance No. 22-89, the full text of which can be found in Ordinance Book No. 15 of the Mayor and Council, was adopted to levy special assessments for the North Washington Street Improvement Project.

Re: Adoption of Ordinance to amend Chapter 11, Section 11-1.01A of the "Laws of Rockville" so as to amend the provisions for parking permit areas to allow

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minor modifications to be made to existing permit parking areas without holding a public hearing.

Ordinance No. 23-89

Upon motion of Councilmember Hovsepian, duly seconded and unanimously passed, the Ordinance was amended to incorporate the changes which have been added since introduction. Upon motion of Councilmember Hovsepian, duly seconded and unanimously passed, amended Ordinance No. 23-89, the full text of which can be found in Ordinance Book No. 15 of the Mayor and Council, was adopted so as to amend the provisions for parking permit areas to allow minor modifications to be made to existing permit parking areas without holding a public hearing.

Re: Approval of Resolution in support of federal legislation to reestablish local regulation over cable television systems.

This item was deferred to a later meeting to provide Montgomery Cable with an opportunity to comment.

Re: Adoption of Ordinance to Grant Application to Close and Abandon Public Way SCA-58-89, Irwin Cooperman, Applicant.

Ordinance No. 24-89

The Mayor and Council received confirmation from the City Attorney that the ordinance contains language that incorporates the requests of the Whalen group and WINX in terms of easements and access to the property. Upon motion of Councilmember Abrams, duly seconded and unanimously passed, Ordinance No. 24-89, the full text of which can be found in Ordinance Book No. 15 of the Mayor and Council, was adopted to abandon a public alley right-of-way running between Church Street and Hungerford Drive.

Re: Adoption of Ordinance to Grant Text Amendment Application T-95-89, Mayor and Council of Rockville, Applicant.

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Ordinance No. 25-89

Upon motion of Councilmember Abrams, duly seconded and unanimously passed, Ordinance No. 25-89, the full text of which can be found in Ordinance Book No. 15 of the Mayor and Council, was adopted to amend the definitions section of the Zoning Ordinance to add a definition for "health professional" and to substitute health professional for medical practitioners in the definition of "home occupation."

Re: Adoption of Ordinance to Grant
Text Amendment Application T-
93-89, Mayor and Council of
Rockville, Applicant.

Ordinance No. 26-89

Upon motion of Councilmember Abrams, duly seconded and unanimously passed, Ordinance No. 26-89, the full text of which can be found in Ordinance Book No. 15 of the Mayor and Council, was adopted to amend the definitions section of the Zoning Ordinance to eliminate retailing as an "accessory use" and to add a definition for "delicatessen/carry-out." Additional permitted uses are proposed for the I-1, Service Industrial Zone and other zones.

Re: Adoption of Resolution to Deny
Text Amendment Application T-
100-89, Joseph A. Lynott,
Attorney for Three Brothers
Restaurant, Applicant.

Resolution No. 26-89

Upon motion of Councilmember Coyle, duly seconded and unanimously passed, Resolution No. 26-89, the full text of which can be found in Resolution Book No. 9 of the Mayor and Council, was adopted denying Text Amendment Application T-100-89, requesting amendments to remove development nonconformity status from free-standing restaurants in TC0-1 Zone to allow nonconforming free standing signs in the TC0-1 Zone to remain, and authorizing a refund of 50% of the filing fee to the applicant.

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Re: Discussion and instructions
to staff on housing related
issues.

The Assistant City Manager introduced the proposed housing programs noting that they represent very realistic proposals. Mayor Duncan thanked the staff, indicating that it was a very good package.

Staff then presented a report, highlighting the following:

Inclusionary Zoning (MPDU). The Montgomery County MPDU staff indicated that an MPDU ordinance in the City is not practical in view of the County's minimum of 12.5% of any 50 unit development and because the City is rapidly reaching build-out. Staff recommends that an inclusionary zoning ordinance be prepared which would require developers of new housing in Rockville to provide resources in lieu of units in exchange for density bonuses. The resources could be either land or money which the City could then utilize to produce or preserve affordable housing. The receipt of housing resources instead of a limited number of MPDU units would allow Rockville greater flexibility in utilizing its diminishing new housing resources. Staff noted that cash would not necessarily have to be used to purchase new units but could be used for a number of other programs such as scattered site, in-fill lots or the rent supplement program.

Councilmember Coyle expressed concern with the City's low vacancy rate and not having the ability to create any new housing stock.

Councilmember Abrams stated that there is no dispute that single-family detached housing should be included in a MPDU ordinance as well as some options attaching to developers. He requested that staff proceed with the preparation of this ordinance which should also include an alternative approach to explore applicability to high rise units, suggesting that a clause be added which would require developers to provide the same number of units, either new or existing, as the percentage in the ordinance would require for compliance.

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Councilmember Hovsepian asked staff to review the housing issue in terms of employers making a commitment to provide housing for employees. Discussion then followed as to availability of land for new housing, density issues and the priority of keeping the current affordable housing stock.

Councilmember Coyle commented that no projections are available of housing needs in the future and that it would be helpful to have forecasts as to what the level of need for affordable housing will be in the coming years.

Staff was requested to move forward with their proposal and to review what level of need for these housing programs exists.

Accessory Apartments. Staff recommended reintroduction of the accessory apartment concept, stipulating that the units be permitted only in single family homes and approved only by special exception. Councilmember Hovsepian noted that she has served on the County's committee to examine use of existing housing stock and that she supports moving forward with an accessory apartment ordinance similar to the County's but including the modifications suggested by the interagency committee.

Councilmember Abrams noted the issue of going back to a very limited application of rooming house for the City of Rockville. Staff responded that a text amendment will be coming through for approval of a five-unit Single Room Occupancy at the old Community Ministries office which would be a more appropriate time to examine the concept of SROs. Councilmember Hovsepian suggested that staff explore permitting SROs in zoning categories other than O-2. Clarification was provided by staff regarding units in a basement versus a cellar.

Staff was directed to proceed with the accessory apartment ordinance including Councilmember Hovsepian's suggestions.

Acquisition of In-Fill Properties. Mayor Duncan noted that an effort is underway to identify undeveloped sites within the City which are both public and

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privately owned and which have a potential for housing development. Almost 100 sites have been identified although a specific analysis as to their development potential has not been made.

Councilmember Coyle requested that staff identify the acreage of the 100 sites.

Mayor Duncan noted that this program is similar to the Red Barn project.

Councilmember Hovsepian commented that there is a need for more thought as to the organizational structure and how the program should be administered. The Mayor and Council noted their approval to proceed.

Councilmember Abrams stated that manufactured housing is another issue to be explored and asked what would be the real impact in terms of any tract development.

Tenant Displacement Legislation. Mayor Duncan noted that the County's Office of Consumer Affairs and Department of Housing and Community Development strongly recommend that the City adopt legislation similar to Montgomery County.

Discussion ensued as to whether the City or the County should be responsible for administration of the program in the City. Staff was requested to prepare an analysis on this issue as quickly as possible.

Housing Trust Fund. Staff recommends that a housing trust fund be established to be comprised of the Housing Opportunities Reserve and developer contributions in lieu of MPDU units based upon the size and value of the development. These funds would then be used to fund housing related activities subject to specific guidelines set forth by the Mayor and Council.

Councilmember Abrams commented that there is a capital involvement on the part of the City and that the City should be kept out of the operating area. Following discussion, staff was directed to look at guidelines for the fund with the understanding that the fund is to be used strictly as a capital account.

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Councilmember Hovsepien requested that staff explore ways that urban renewal funds can be used to provide affordable housing by possibly channeling funds through the Rockville Housing Authority to purchase scattered housing to be used as turnkey projects. Staff responded that a report will be prepared indicating housing-related activities for which urban renewal funds can be designated. Mayor Duncan also asked staff for a recommendation as to how much is in the fund, how much can be expected and what the City can move into this housing trust fund.

Councilmember Coyle proposed a Housing Enterprise Zone Concept for the City of Rockville. He stated that Atlanta has done a very aggressive job of creating a Housing Enterprise Zone Concept where parcels as small as one acre have been used to build a variety of MPDU units. His proposal could be used creatively, and staff was requested to analyze the Zone and provide a recommendation as to its adoptability in the City.

Councilmember Abrams urged caution in proceeding with such a concept, noting the length of time it takes the City to implement and see planning efforts come to fruition, especially with the identification of Middle Lane as a possibility. He indicated hesitancy with sending such a message of uncertainty for Town Center. Councilmember Coyle clarified that the full parcel did not have to be considered.

Mayor Duncan noted that one item is missing, i.e., no analysis of county, state or federal programs and the way to get programs more involved in the City. County Councilman Hanna will be making a presentation on his latest housing initiative and the City may wish to be a part of this as well.

Councilmember Hovsepien noted a recently established non-profit agency originally conceived by developers of which former Planning Commission Chairman Norman Christeller is President. She commented that it would be worthwhile to arrange a meeting with Mr. Christeller and City staff to determine how they can help the City in

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implementing some of these housing programs.

A recap of new issues staff will be following up on is as follows:

- o SROs;
- o Assessment of housing needs by individual groups in coming years;
- o Pros and cons of administering tenant displacement legislation;
- o Procedures for in-fill program;
- o Procedures for trust fund;
- o Potential uses for urban renewal funds;
- o Investigation of Housing Enterprise Zone Concept;
- o Analysis of county, state and federal programs;
- o Meeting with non-profit agency headed up by Mr. Christeller;
- o Pros and cons of allowing affordable housing in every zone.

Staff was requested to bring back the tenant displacement legislation recommendation as soon as possible.

Re: Motion to adopt the Goals of
the City of Rockville.

Upon motion of Councilmember Coyle, duly seconded and unanimously passed, the Revised Goals of the City of Rockville as proposed by the Goals Task Force and with the suggestions of the Mayor and Council were adopted for implementation.

Re: FYI/Correspondence

Regarding the state laws authorizing housing authorities, Councilmember Hovsepien suggested that the City continue to monitor the legislation and how it will affect the City's initiatives.

Councilmember Hovsepien commented on the following letters of commendation: from Rockville High School to Josephine Roberts, Director of Community Services, for her participation in their Human Relations Day Program; from College Gardens Elementary School to Fred Lewis of the Recreation Department for his help with their Family Night Picnic; and from a City parent to the Recreation and Parks Camp Coordinator expressing appreciation for the Summer Day Camp programs.

Councilmember Coyle offered his congratulations to Officers Robert Rappoport, Richard Siegelman and Marlene Yaksetic who will be honored at the MADD awards picnic on

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October 6. With respect to the intersection of Falls Road/Maryland Avenue at I-270, Councilmember Coyle noted that the City needs to be vigilant to insure involvement with the disposition of the remaining parcels. Regarding the new Cambridge Heights townhouse development, Councilmember Coyle received assurances from staff that any contractor would be required to build new roads according to the City's standards.

Re: New Business

Councilmember Abrams commented that he had received a letter from the Elections Board citing October 9 as the deadline for submitting the first campaign fund report; since October 9 is Columbus Day as well as Yom Kippur, he requested that the Board of Supervisors of Elections move the due date forward to October 10. The Mayor and other Councilmembers present concurred.

Regarding the new Ritchie Parkway at the intersection of Seven Locks Road, Councilmember Abrams noted that the striping of the lane lines is very confusing and staff responded that it would be taken care of immediately.

Regarding SCA 60-89, a letter was received from Dr. Grave on West Argyle Street, and Councilmember Abrams requested clarification as to the ownership of the property to be abandoned on South Adams Street from the intersection at Argyle and what specific language is contained on the application. Mayor Duncan requested that staff provide information regarding the application for abandonment and when the matter is scheduled for public hearing.

Councilmember Hovsepian commented that she has observed an inconsistency in the numbering of houses and suggested that staff prepare a plan to insure that residences are properly identified and that house numbers conform to a uniform standard. Councilmember Coyle requested input from Police and Fire as to any difficulties experienced as a result of the house numbers.

Councilmember Coyle requested a further update from staff on the implementation

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of the recommendations of the Child Care Task Force, and staff will be providing an informational sheet.

Mayor Duncan requested approval of a Proclamation to be presented to Rockville Business and Professional Women, Inc. on October 10. Upon motion of Councilmember Abrams, duly seconded and unanimously passed, Proclamation No. 23-89, the full text of which can be found in Proclamation File No. 4 of the Mayor and Council, was adopted declaring October 15-21, 1989, as National Business Women's Week in Rockville.

Re: Executive Session for personnel
issues

Upon motion of Councilmember Abrams, duly seconded and unanimously passed, the Mayor and Council convened in Executive Session at 9:15 p.m. to discuss personnel issues.

Re: Adjournment

There being no further business to come before the Mayor and Council, the meeting was adjourned at 9:55 p.m., to convene again in General Session at 7:30 p.m. on October 10, 1989, or at the call of the Mayor.